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14 UPONOR, INC and UPONOR NORTH AMERICA, INC.

15
16 **UNITED STATES DISTRICT COURT**
17
18 **DISTRICT OF NEVADA**

19 BLACK HAWK HOMEOWNERS ASSOCIATION, a Nevada non-profit mutual benefit corporation,) Case No. 2:14-cv-00548-JAD-PAL
20 Plaintiff,)
21 vs.)
22 UPONOR, INC., an Illinois corporation;)
23 UPONOR NORTH AMERICA, INC., Delaware corporation; and DOES 1 through 300,)
24 Defendants.)
25 _____)
26)
27)
28)

19 Pursuant to the Court's Order dated June 13, 2014 Defendants UPONOR, INC. and
20 UPONOR NORTH AMERICA, INC. (collectively "Defendants") and Plaintiff BLACK HAWK
21 HOMEOWNERS ASSOCIATION (hereinafter referred to as "Plaintiff") hereby submit the
22 following Joint Status Report in this matter.

23 1. Plaintiff filed a Complaint for Damages against Defendants on March 4, 2014.
24 Defendants were served with Plaintiff's Complaint on March 12, 2014. On April 10, 2014,
25 Defendants removed this action to the United States District Court for the District of Nevada. The
26 claims made by Plaintiff in the instant action relate to alleged defects/deficiencies concerning brass
27 plumbing components used as part of the residential potable water plumbing systems allegedly sold
28

1 by Defendants. Prior to the filing of the instant action, a class action now styled *In re: Wirsbo Non-*
 2 *F1807 YBFs*, case number 2:08-cv-1223-NDF-MLC (D. Nev.), was filed relating to the same brass
 3 plumbing components and setting forth essentially the same types of claims. The *In re Wirsbo*
 4 matter has now been specially assigned by the Ninth Circuit Court of Appeals to the Hon. Judge
 5 Nancy Freudenthal, who has: 1) made multiple substantive rulings addressing what causes of action
 6 can be maintained against the instant Defendants for the types of claims at issue and 2) who has
 7 also now certified a class action as to liability for dwellings in the Las Vegas Valley. The
 8 residential dwelling units at issue in the instant matter, and Plaintiff's claims relating to those
 9 dwelling units are encompassed within the liability class action certified by Judge Freudenthal in
 10 the *In re Wirsbo* matter. It is Defendants' position that for purposes of judicial economy, to avoid
 11 potentially conflicting rulings and given the scope of the liability class in the *In re Wirsbo* case,
 12 this matter should be transferred to the Hon. Judge Nancy Freudenthal for further handling and
 13 consolidated with *In re: Wirsbo Non-F1807 YBFs*. There are no pending motions.

14 2. The action required by this Court at this time relates to the potential transfer of this
 15 case to Judge Freudenthal.

16 3. All pleadings and papers on file were previously attached to the notice of removal.

17
 18 Dated: June 27, 2014

19 BREMER WHYTE BROWN & O'MEARA LLP



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 21 By: _____
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27 Attorneys for Defendants,
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 UPONOR NORTH AMERICA, INC.

2 Date: June 27, 2014

2 ANGIUS & TERRY, LLP

2 /s/ David Bray

2 By: _____
 2 Paul P. Terry, Esq., Bar No. 7192
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2 Attorneys for Plaintiff
 2 BLACK HAWK HOMEOWNERS
 ASSOCIATION

1
2 **CERTIFICATE OF SERVICE**
3

4 The undersigned hereby certifies that on the 27th day of June, 2014, I served a copy of the
5 JOINT STATUS REPORT on all parties or persons via United States District Court CM/ECF .:

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